

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

Lee A. DeHihns, III

Direct Dial: 404-881-7151

E-mail: lee.dehahns@alston.com

May 3, 2010

VIA COURIER

Gail Mitchell, Deputy Director
Water Protection Division
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

**Re: October 6, 2009, Information Request – Section 308 of the Clean
Water Act - Dalton Utilities Land Application System**

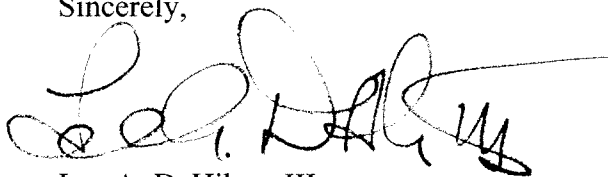
2010 MAY 13 A 9:32

Dear Ms. Mitchell:

This letter provides information from Dalton Utilities in connection with its ongoing responses to EPA's October 6, 2009, Section 308 of the Clean Water Act request (the "Request") addressed to Mr. Don Cope, President and CEO of Dalton Utilities. The enclosures are a letter dated April 30, 2010, with a certification signed pursuant to the Request and a summary of all data and information developed in response to Enclosure A of the Request. Mr. Cope's letter reflects his telephone conversation with you on April 29, 2010.

Please contact me if have any questions regarding the information supplied pursuant to the Request.

Sincerely,



Lee A. DeHihns, III

LAD:gba
Enclosures

LEGAL02/31578197v17



Mike Horn

April 30, 2010

Ms. Gail Mitchell, Deputy Director
Clean Water Enforcement Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Information Request Pursuant to Section 308 of the Clean Water Act

Dear Ms. Mitchell,

The following correspondence reiterates the issues we discussed in our telephone conversation on April 29, 2010.

Dalton Utilities has submitted all the information to date as required by EPA's Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009 (the "Request"). A complete list of this information is attached herein as Attachment A.

As previously reported to you, Dalton Utilities has instituted the quarterly sampling of the seven private drinking water wells shown to have levels of Perfluorooctanoic Acid (PFOA) or Perfluorooctane Sulfonate (PFOS) below the published public health advisory level, but above the contract laboratory's reporting limit or level of quantification as well as the two additional wells found to have levels of Perfluorinated Chemicals (PFC) other than PFOA or PFOS above the contract laboratory's reporting limit or level of quantification in accordance with the Drinking Water Well Monitoring Report. Dalton Utilities has sampled the nine private wells for three quarters with one remaining sampling event scheduled for May 2010. All the final analytical results for these sampling events have been submitted to EPA. These results indicate no upward trends in the data and show that the levels are significantly lower than levels of concern for the PFCs detected.

Under the Composted Biosolids Monitoring Plan, Dalton Utilities has sampled the on-site inventory of finished compost two times with two additional sampling events scheduled for June and October 2010. All the final analytical reports for these sampling events have been submitted to EPA. These results indicate the levels of PFCs in the aged on-site inventory of finished compost are and remain well below the October 2009 EPA Soil Screening Levels.

Under the Compost Use Review Report, Dalton Utilities has sampled 23 locations where the compost was used as a soil amendment in addition to six private drinking water wells used as a primary source of drinking water at locations where corresponding soil samples were collected. All the final analytical reports for these sampling events have been submitted to EPA. These results indicate the levels of PFCs are well below the published EPA Soil Screening Levels for locations where the finished compost was used as a soil amendment and below the Public Health Advisory for private drinking water wells sampled as part of this report.

Additionally, Dalton Utilities has sampled the locations stipulated in the Request Enclosure A, Paragraph 5 for two quarters with one remaining sampling event scheduled for April 2010. Dalton Utilities also has collected and analyzed several samples of influent, untreated wastewater, and effluent, treated wastewater, from the Land Application System (LAS). All of the final analytical reports of these sampling events have been submitted to EPA.

All of the samples analyzed in Dalton Utilities evaluation of the wastewater treatment operations are indicative of the historical usage of PFCs and illustrate a decreasing trend in such usage. This decreasing trend is validated by recent industrial discharge sample data collected by the Georgia Department of Natural Resources Sustainability Division and the University of Georgia. The data support the statements from industrial representatives that PFCs are in the process of or have been phased out of the local manufacturing processes. The data also show that the PFCs are confined to the wastewater treatment process including the LAS.

With the exception of one residential location that is now connected to the public water system, the results from the private drinking water wells adjacent to and surrounding the land application system were well below the published Public Health Advisory levels and do not indicate any negative impacts on private drinking water wells from Dalton Utilities wastewater operations with respect to PFCs. The private drinking water wells sampled as part of the Compost Use Review were also well below the Public Health Advisory levels which do not indicate any adverse impact from the use of compost as a soil amendment. Additionally, none of the analytical results from soil samples collected and analyzed as part of the Compost Use Review indicated levels of PFCs near the published Soil Screening Levels. Attachments B and C illustrate the private well and soil sample results in relation to the Public Health Advisory and Soil Screening Levels, respectively.

From all of the data it has gathered at a cost of more than \$750,000, and from its evaluation of its wastewater and biosolids management systems, Dalton Utilities does not believe that there is public risk posed by the very low levels of PFCs that may still be present in its current operations. Given the ubiquitous presence of PFCs in our society, we do not feel that it is appropriate to presume that action by Dalton Utilities will solve a societal problem. As ATSDR recently stated "Because of their wide spread use, most people in the U.S. have some PFCs in their body."

Based upon all the data obtained by Dalton Utilities through these various efforts which were previously reported to EPA, Dalton Utilities intends to resume distribution of the finished compost on May 10, 2010. Only finished compost that is found to have below 1,600 parts per billion (ppb) PFOA and 600 ppb PFOS through bi-annual sampling of the finished compost will be distributed. Any batch of compost found to exceed this self-imposed level will not be distributed until it can be treated to meet the aforementioned restrictions. In addition, Dalton Utilities will make every reasonable effort to restrict the use of the finished compost to lawn and ornamental uses only. No finished compost will be sold or given away for use on any land where livestock are raised or plants are grown for human or animal consumption.

With respect to the other sampling activities undertaken as part of the Request, Dalton Utilities intends to complete the sampling events required by the Request. Provided the data from the remaining sampling events are consistent with the current data, no additional sampling of these locations will be conducted.

To ensure that the levels of PFCs in the wastewater operations continue to decline, Dalton Utilities will sample the influent, untreated wastewater, and effluent, treated wastewater, to the LAS on an annual basis for analysis of the compounds noted in the Request. Additionally, Dalton Utilities will sample approximately 25% of the permitted industrial locations for these compounds on an annual basis utilizing a random, unannounced sampling schedule so that all permitted industrial locations will be sampled within a four year timeframe.

If you have any questions, please contact me at 706-529-1091 or dcope@dutil.com.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Don Cope
President & CEO

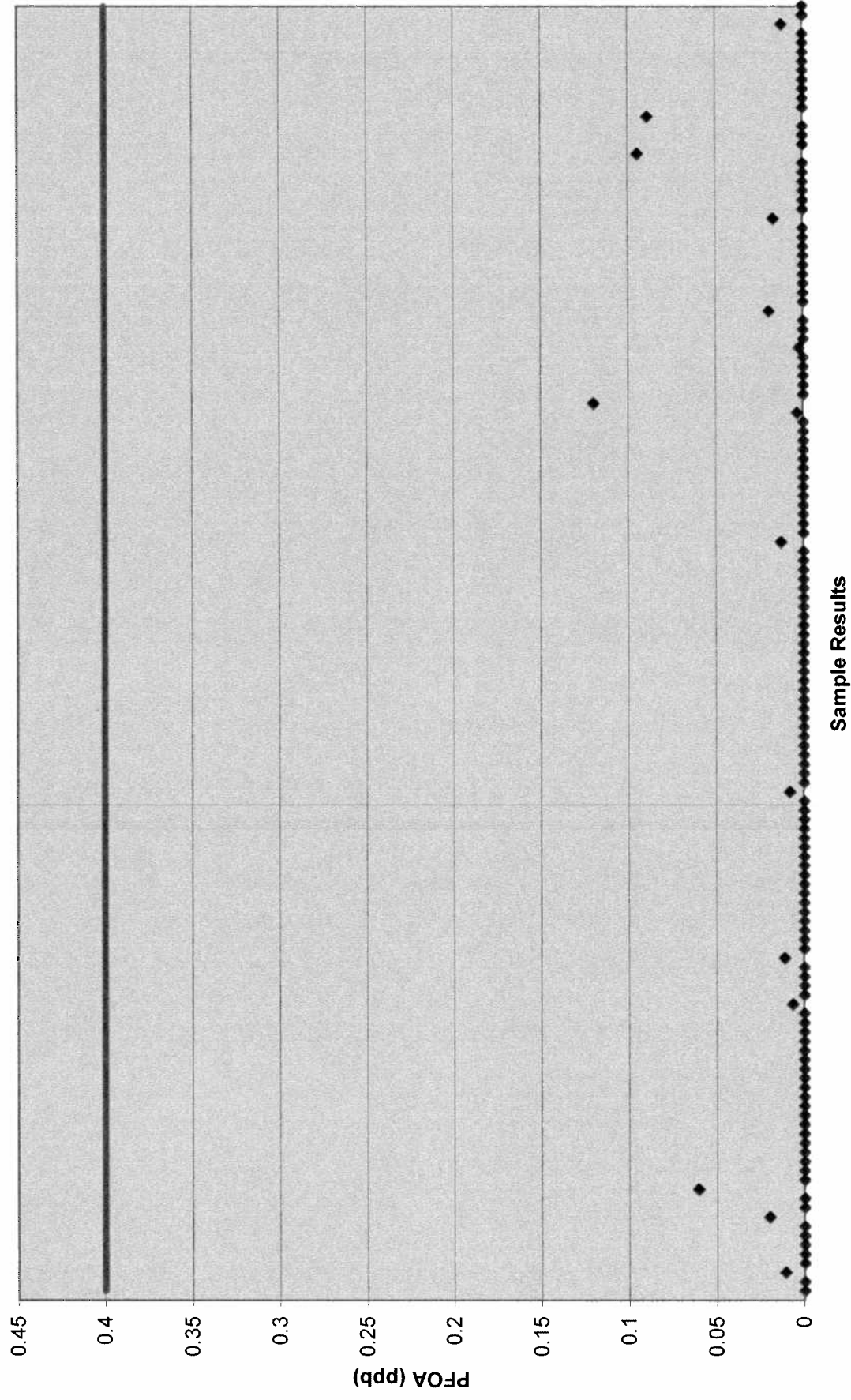
Attachments (3)

- c: Mr. Allen Barnes, Georgia Environmental Protection Division (cover letter only)
Dr. Marlin Gottschalk, Sustainability Division Georgia Department of Natural Resources (cover letter only)
Dr. Bert Langley, Georgia Environmental Protection Division (cover letter only)
Dr. Becky Champion, Georgia Environmental Protection Division (cover letter only)
Lee A. DeHihns, Esq.

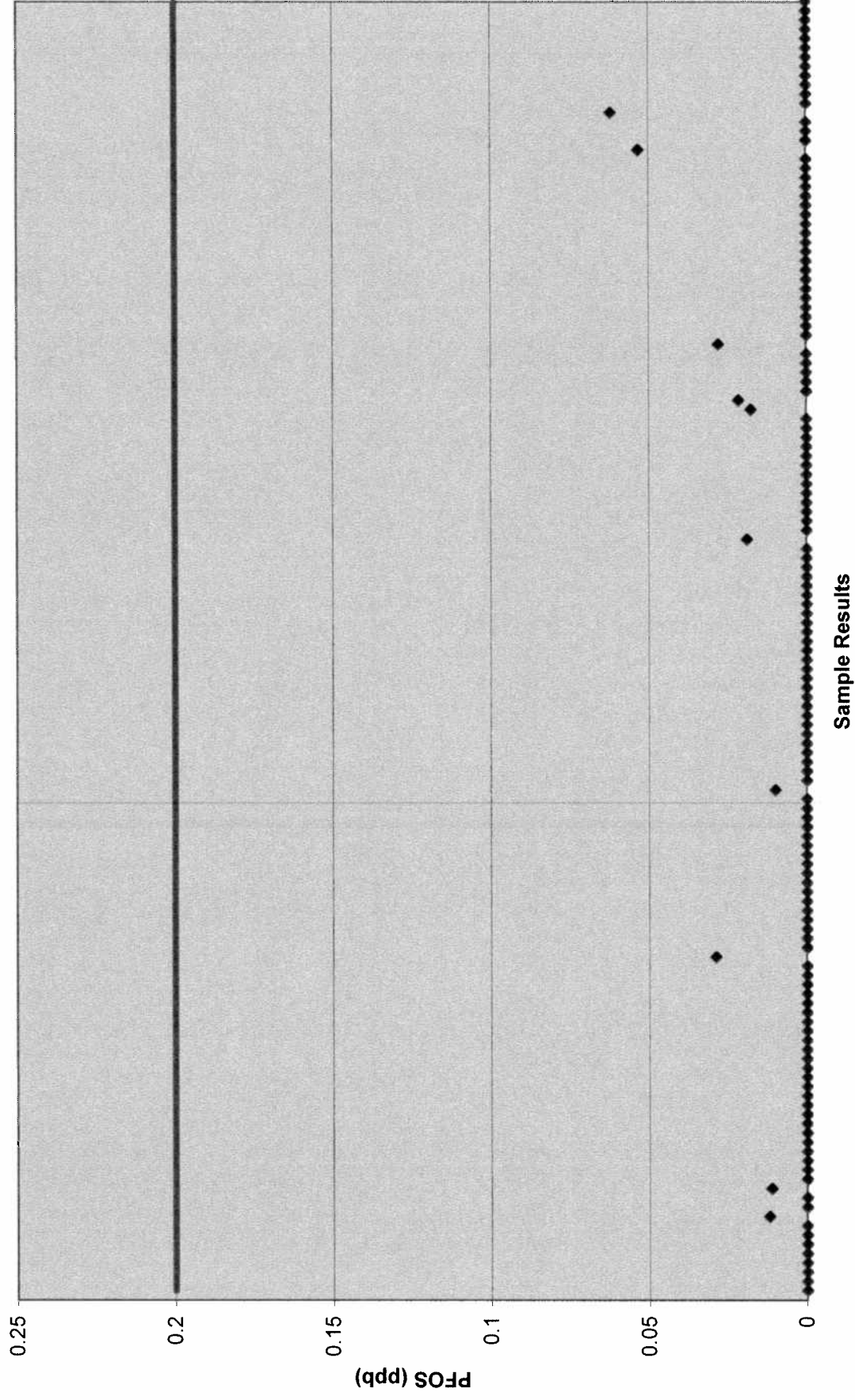
References

1. Dalton Utilities Correspondence to Mr. Hom dated June 18, 2009
2. Dalton Utilities Correspondence to Mr. Hom dated June 29, 2009
3. Dalton Utilities Correspondence to Mr. Hom dated July 9, 2009
4. Dalton Utilities Correspondence to Mr. Hom dated July 20, 2009
5. Dalton Utilities Correspondence to Mr. Hom dated July 24, 2009
6. Dalton Utilities Correspondence to Mr. Hom dated August 5, 2009
7. Dalton Utilities Correspondence to Mr. Hom dated September 2, 2009
8. Dalton Utilities Correspondence to Mr. Hom dated September 29, 2009
9. Dalton Utilities Correspondence to Mr. Hom dated October 14, 2009
10. Dalton Utilities Correspondence to Mr. Hom dated October 14, 2009
11. Dalton Utilities Correspondence to Mr. Hom dated October 20, 2009
12. Dalton Utilities Correspondence to Ms. Mitchell dated October 23, 2009
13. Dalton Utilities Correspondence to Ms. Mitchell dated November 2, 2009
14. Dalton Utilities Correspondence to Ms. Mitchell dated November 2, 2009
15. Dalton Utilities Correspondence to Ms. Mitchell dated November 4, 2009
16. Dalton Utilities Correspondence to Ms. Mitchell dated November 5, 2009
17. Dalton Utilities Correspondence to Ms. Mitchell dated November 12, 2009
18. Dalton Utilities Correspondence to Ms. Mitchell dated November 24, 2009
19. Dalton Utilities Correspondence to Ms. Mitchell dated November 24, 2009
20. Dalton Utilities Correspondence to Ms. Mitchell dated November 24, 2009
21. Dalton Utilities Correspondence to Ms. Mitchell dated December 23, 2009
22. Dalton Utilities Correspondence to Ms. Mitchell dated January 13, 2010
23. Dalton Utilities Correspondence to Ms. Mitchell dated January 27, 2010
24. Dalton Utilities Correspondence to Ms. Mitchell dated February 3, 2010
25. Dalton Utilities Correspondence to Ms. Mitchell dated February 10, 2010
26. Dalton Utilities Correspondence to Ms. Mitchell dated February 24, 2010
27. Dalton Utilities Correspondence to Ms. Mitchell dated March 2, 2010
28. Dalton Utilities Correspondence to Ms. Mitchell dated March 25, 2010
29. Dalton Utilities Correspondence to Ms. Mitchell dated April 12, 2010
30. Dalton Utilities Correspondence to Ms. Mitchell dated April 28, 2010

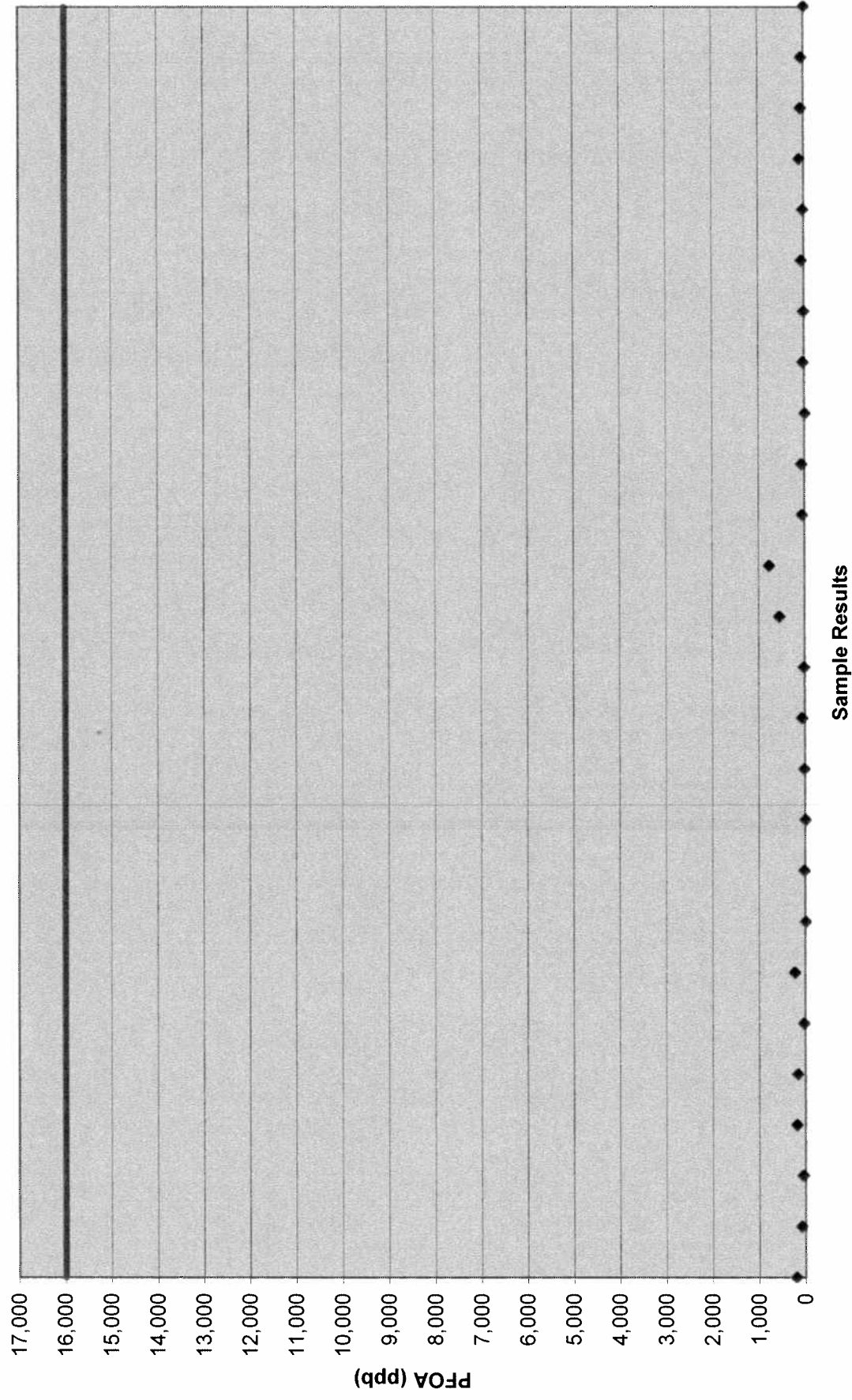
PFOA Levels in Private Drinking Water Wells



PFOS Levels in Private Drinking Water Wells



PFOA Levels in Soils



PFOS Levels in Soils

